

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
NORMAN SEABROOK,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Defendant.  
-----X

21-cv-\_\_\_ (AKH)

**NOTICE OF MOTION**

SIRS:

PLEASE TAKE NOTICE, that upon the sworn Affidavit of NORMAN SEABROOK dated the 6<sup>th</sup> day of October, 2021, the Affirmation of ROGER BENNET ADLER, ESQ. dated the 20<sup>th</sup> day of October, 2021, and all of the proceedings heretofore had herein, the undersigned will move, in the United States District Court, Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York in Courtroom 14D on the 12<sup>th</sup> day of November, 2021, or as soon thereafter as counsel can be heard for an order:

- (1) Pursuant to 28 U.S.C. 2255 vacating a judgment of the United States District Court, Southern District of New York dated the 8<sup>th</sup> day of February, 2019, on the basis that Petitioner's rights under the Fifth and Sixth Amendments of the United States Constitution were violated, depriving Petitioner of a fair trial and an appropriate sentence consistent with the parsimony clause of 18 U.S.C. 3553(a),
- (2) Pursuant to Rule 33 of the Federal Rules of Criminal Procedure, vacating the judgment and ordering a new trial based upon newly discovered evidence,
- (3) Directing Respondent's counsel to serve and file a sworn response,
- (4) Ordering a hearing,
- (5) Granting such other and further relief as this Court deems just and proper.

Dated: New York, New York  
October 26, 2021

Yours, etc.



Roger Bennet Adler, P.C.  
*Attorney for Defendant*  
233 Broadway, Suite 2340  
New York, New York 10279  
(212) 406-0181

TO:

**Via ECF**

Assistant U.S. Attorney Lara Pomerantz  
c/o United States Attorney's Office  
1 St. Andrews Plaza  
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